

Chapter 72

ADULT BUSINESSES

[HISTORY: Adopted by the Board of Selectmen of the Town of Granby 8-9-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Violation and citation hearing procedures — See Ch. 58.

§ 72-1. Legislative finding.

- A. Adult-oriented establishments, as hereinafter defined, require special supervision from public safety agencies in order to protect and preserve the health, safety and welfare of the Town's citizens.
- B. Unregulated operation of adult-oriented establishments, including, without limitation, those specifically defined herein, would be detrimental to the general welfare, health and safety of the citizens of Granby and especially its youth.
- C. The Constitution and laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments, as hereinafter defined, in order to protect the public health, safety and welfare.
- D. It is not the intent of this chapter to deny any person the right to speech protected by the Constitutions of the United States and of the State of Connecticut nor is it the intent of this chapter to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books or other materials. Further, this chapter does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the Constitutions of the United States and of the State of Connecticut nor constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

§ 72-2. Definitions.

For the purposes of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

ADULT ARCADE — An establishment where, for any form of consideration or gratuity, one or more motion-picture projectors, mini-motion-picture projectors, slide projectors, VCRs, CD players or other video/audio medium are used to show, to one or more persons, films, slides or other photographic reproductions which are characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas.

ADULT BOOKSTORE — An establishment having a substantial or significant portion of its stock and trade in books, films, photographs, tapes, CDs, videocassettes, or other video/audio medium, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

ADULT CABARET — A nightclub, bar, restaurant, theater or similar establishment which features adult entertainment or performances which are characterized by the exposure of specified anatomical areas, or defines itself as such by advertising an adult-oriented business to the general public.

ADULT ENTERTAINMENT — Includes any exhibition of any adult-oriented motion pictures, videos, live performances, displays or dance of any type, pantomime and modeling which includes any specified sexual activities and/or the exhibition and viewing of specified anatomical areas.

ADULT MODEL STUDIO — Any place where, for any form of consideration or gratuity, person(s), identified as models or similar terms, are made available for the purpose of displaying specified anatomical areas in order to be observed, sketched, drawn, painted, sculptured, photographed, or are similarly depicted, for the benefit of persons paying such consideration or gratuity. Excluded from this definition are any licensed educational institutions where the exposure of specified areas is a minor portion of the educational experience and such exposure is associated with a particular curriculum or program.

ADULT MOTEL — A commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, videocassettes, slides or other photographic reproductions, or video/audio medium, which are characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right-of-way or by means of off-premises advertising in newspapers, magazines, leaflets, radio or television, offers a sleeping room for rent for period of time less than 10 hours or allows a tenant or occupant to subrent a sleeping room for rent for a period of time less than 10 hours or allows a tenant or occupant to sub rent a sleeping room for a time period less than 10 hours or defines itself as such by advertising as an adult-oriented business to the general public.

ADULT-ORIENTED ESTABLISHMENT — Includes, without limitation, adult bookstore, adult arcade, adult cabaret, adult model studio, adult motel, adult paraphernalia store, adult theater or motion-picture theater, massage center, sexual encounter center or similar use or term which meets the definition of the above terms.

ADULT PARAPHERNALIA STORE — A business having a significant portion of its stock-in-trade in paraphernalia, devices or equipment characterized by an emphasis on depicting or describing specified sexual activity or used in connection with specified sexual activity; or defines itself as such by advertising as an adult-oriented business to the general public.

ADULT THEATER or ADULT MOTION-PICTURE THEATER — A theater, concert hall, auditorium or similar establishment which, for any form of consideration or gratuity, regularly feature live performances or the presentation of films, videocassettes, slides or other photographic reproductions, or video/audio medium, featuring adult entertainment, characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas.

EMPLOYEE — Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

ENTERTAINER — Any person who provides entertainment within an adult-oriented establishment, as defined herein, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

INSPECTOR — The Zoning Enforcement Officer, Fire Marshal, Director of Public Health, any designee of the foregoing, or any police officer of the Town of Granby.

MASSAGE CENTER — A business that regularly offers, for any form of consideration, activities between male and female persons and/or persons of the same sex, when one or more of the persons offers to massage another without benefit of substantial educational training and certification and/or offers these services after 9:00 p.m. or before 7:00 a.m. This definition does not apply to licensed (LMD, A.M.T.A.) massage therapists, physical therapists, or any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is conducted in a manner substantially consistent with reasonable medical practices commonly accepted by the American Medical Association or similar organization.

MINOR — Deemed to refer to a person under the age of 18 years.

OPERATOR — Any person, partnership, corporation or other legal entity operating, conducting or maintaining an adult-oriented establishment.

SEXUAL ACTIVITIES — As used in this chapter, is not intended to include the publication, sale or distribution of any medical publications or films or bona fide educational publications or films; any art or photography publications which devote 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news; or any publications or films which describe and report on different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the population.

SEXUAL ENCOUNTER CENTER — A business that regularly offers, for any form of consideration, activities between male and female persons and/or persons of the same sex, when one or more of the persons displays specified anatomical areas or engages in specified sexual activities. This definition does not apply to any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is

conducted in a manner substantially consistent with reasonable medical practices commonly accepted by the American Medical Association or similar organization.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered:
 - (1) Human genitals or pubic regions;
 - (2) Buttocks; or
 - (3) Female breasts below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. The display of human genitals in a state of sexual stimulation or arousal;
- B. Acts of masturbation, sexual intercourse or sodomy;
- C. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

§ 72-3. Operating requirements.

- A. No operator or employee of an adult-oriented establishment shall allow or permit any minor to enter or loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons for such adult-oriented establishment.
- B. Every adult-oriented establishment doing business in the Town shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented materials, or other types of adult-oriented entertainment.
- C. The operator of each adult-oriented establishment shall be responsible to insure that any room or other areas used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the operator and its agents to insure that the illumination described above is maintained at all times when any patron is present on the premises.

- D. An operator shall be responsible for the conduct of all employees while they are on the premises, and any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator shall be subject to the penalties imposed by this chapter. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator, if such act or omission occurs either with the express or implied authorization, knowledge, or approval of the operator, including any act or omission as a result of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- E. All adult-oriented establishments shall be open to inspection at all reasonable times by the Granby Police Department or other inspector as defined herein.
- F. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within a one-thousand-foot radius of any lot used or approved to be used for a public or private school, house of worship or library.
- G. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within a one-thousand-foot radius of any lot used or approved to be used for an adult-oriented establishment.
- H. No adult-oriented establishment shall be established within a one-thousand-foot radius of any lot located in a residential zoning district (R30, R50, R2A, PDM).
- I. No alcoholic beverages shall be sold or consumed within adult-oriented establishments.
- J. Adult-oriented establishments shall be designed so as to prohibit the view of any sexual aids or paraphernalia, films, books, tapes, periodicals, CDs, drawings or advertisements depicting specified anatomical areas or specified sexual activity from a sidewalk, street, driveway or parking area.
- K. Any signs located inside or outside an adult-oriented establishment visible from a sidewalk, street, driveway or parking area shall not visually depict, describe or name any specified anatomical area or specified sexual activity.

§ 72-4. Penalties for offenses.

- A. Any person, partnership, corporation or other legal entity who is found to have violated this chapter shall be fined not more than \$250 for each such violation.¹
- B. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).